

NUCLEAR REGULATORY COMMISSION

[Docket 70-7002]

Notice of Amendment to Certificate of Compliance GDP-2 for the U.S. Enrichment Corporation, Portsmouth Gaseous Diffusion Plant, Portsmouth, OH

The Commission made a determination that the following amendment request is significant in accordance with 10 CFR 76.45. Notice of Receipt of Amendment Request appeared in the **Federal Register** on January 5, 1998, allowing a 30-day public comment period on the application. No public comments were received.

The Nuclear Regulatory Commission (NRC) staff has reviewed the certificate amendment application and concluded that it provides reasonable assurance of adequate safety, safeguards, and security, and compliance with NRC requirements. Therefore, the Director, Office of Nuclear Material Safety and Safeguards, is prepared to issue an amendment to the Certificate of Compliance for the Portsmouth Gaseous Diffusion Plant. The staff has prepared a Compliance Evaluation Report which provides details of the staff's evaluation.

The Commission has determined that this amendment satisfies the criteria for a categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for this amendment.

United States Enrichment Corporation (USEC) or any person whose interest may be affected, and who submitted written comments in response to the Notice on the amendment application, under § 76.37, may file a petition, not exceeding 30 pages, requesting review of the Director's Decision. The petition must be filed with the Commission not later than 15 days after publication of this **Federal Register** Notice. A petition for review of the Director's Decision shall set forth with particularity the interest of the petitioner and how that interest may be affected by the results of the decision. The petition should specifically explain the reasons why review of the Decision should be permitted with particular reference to the following factors: (1) the interest of the petitioner; (2) how that interest may be affected by the Decision, including the reasons why the petitioner should be permitted a review of the Decision; and (3) the petitioner's areas of concern about the activity that is the subject matter of the Decision. Any person

described in this paragraph may file a response to any petition for review, not to exceed 30 pages, within 10 days after filing of the petition. If no petition is received within the designated 15-day period, the Director will issue the final amendment to the Certificate of Compliance without further delay. If a petition for review is received, the decision on the amendment application will become final in 60 days, unless the Commission grants the petition for review or otherwise acts within 60 days after publication of this **Federal Register** Notice.

A petition for review must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, by the above date.

For further details with respect to the action see (1) the application for amendment and (2) the Commission's Compliance Evaluation Report. These items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, and at the Local Public Document Room.

Date of amendment request: February 25, 1997.

Brief description of amendment: On February 25, 1997, USEC submitted a request to provide for an additional identified criticality accident case for the X-333 cascade building related to the previously approved increase in assay limit to 3 percent. The operation at increased assay creates conditions where the location of an inadvertent nuclear criticality event might be closer to the X-333 Area Control Room (ACR-1), thus producing higher potential doses to personnel at that location. It should be noted that this hypothetical accident case was identified by USEC after the NRC approved USEC's initial certificate application in November 1996. It should also be noted that the increase in the X-333 assay limit was approved by the NRC as part of the initial certification of PORTS. For this hypothetical accident case, an estimate is made that personnel in ACR-1 could, under the conservative assumption that they remained in ACR-1 for 50 minutes despite the likely criticality alarm, receive a dose of 49 rem and not 0.005 rem as is currently indicated in the Accident Analysis section of the PORTS Safety Analysis Report (SAR). Based on an initial review of the amendment request, the NRC staff feels that sufficiently adequate safety controls are currently in place at PORTS to prevent

and mitigate this accident. Therefore, other than the proposed modification to the PORTS SAR, this amendment would likely not require any other changes to plant operations.

Effective date: The amendment to Certificate of Compliance GDP-2 will become effective 60 days after issuance.

Certificate of Compliance No. GDP-2: Amendment will revise the consequences of a criticality accident in the X-333 cascade building in the Safety Analysis Report.

Local Public Document Room

location: Portsmouth Public Library, 1220 Gallia Street, Portsmouth, Ohio 45662.

Dated at Rockville, Maryland, this 9 day of April 1998.

For the Nuclear Regulatory Commission.

Carl J. Paperiello,

Director, Office of Nuclear Material Safety and Safeguards.

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SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-23110; 812-10940]

Lehman Brothers Inc.; Notice of Application

April 13, 1998.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (the "Act") for an exemption from section 12(d)(1) of the Act, under section 6(c) of the Act for an exemption from section 14(a) of the Act, and under section 17(b) of the Act for an exemption from section 17(a) of the Act.

SUMMARY OF APPLICATION: Lehman Brothers Inc. ("Lehman") requests an order with respect to PIES Trust I and future trusts that are substantially similar and for which Lehman will serve as a principal underwriter (collectively, the "Trusts") that would (i) permit other registered investment companies, and companies excepted from the definition of investment company under sections 3 (c)(1) and (c)(7) of the Act, to own a greater percentage of the total outstanding voting stock (the "Securities") of any Trust than that permitted by section 12(d)(1), (ii) exempt the Trusts from the initial net worth requirements of section 14(a), and (iii) permit the Trusts to purchase U.S. Government securities from Lehman at the time of a Trust's initial issuance of Securities.